

REMARKS

This is in full and timely response to the above-identified Office Action. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Claim Amendments

Claim 26 has been amended in the manner suggested in paragraph #8 of this Office action. This amendment overcomes the objection set forth in said paragraph.

Rejections Under 35 USC § 102

- 1) The rejection of claims 11-13, 26 and 28 under 35 USC § 102(b) as being anticipated by Cass is respectfully traversed.

In the Advisory Action dated October 28, 2003, the Examiner has stated that the X mark is not interpreted to be "added address information" but is considered to be "added information." See page 3, lines 17-18 and page 4, lines 1-2 of the Advisory Action. In this response the term "address" has been removed from "added address information". Since this is the very basis expressed in the Advisory Action for maintaining the anticipation rejection and it is acknowledged that information is added via the addition of the "X", it is respectfully submitted that the anticipation cannot be maintained and that claims 11-13, 26 and 28 should be allowed.

Rejections Under 35 USC § 103

- 1) The rejection of claims 2-5, 7-10, 14-18, 20, 22, 24, 25, 27, 29 and 30 under 35 USC § 103(a) as being unpatentable over Witek in view of Li et al., is respectfully traversed.

In order to establish a *prima facie* case of obviousness, it is necessary to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be able to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered.

In the Advisory Action the Examiner has stated that the "communication mark as claimed is interpreted as the custom pattern recognition code 18" (emphasis added) as disclosed in column 3, lines 24-36. However, code 18 is part of the OCR program and is therefore part of the software which is implemented in the reading of the text material. Code 18 is clearly not a physical mark on a sheet of paper and the rejection is rendered totally untenable based on this misinterpretation of the Witek disclosure.

Column 3, lines 21-36 of Witek discloses:

Once the OCR **software** 16 has generated the text fax file 17, the **control code 22 initiates custom pattern recognition via custom pattern recognition code 18. Custom pattern recognition code 18 contains a plurality of predetermined or preselected text or text strings.** These text strings contain names which identify a destination of all potential faxes that can be received by computer 12. For example, if four people can receive faxes from the link establishes via computer 12 and the office network, **four names will be stored in the custom pattern recognition code 18** to determine which of the four recipients should receive the fax. In many cases, one person or one destination will be the recipient of a fax, but in certain circumstances custom pattern recognition code 18 may find that several or multiple destinations are needed in order to route the fax properly. (Emphasis added)

In other words, code 18 is a customized compilation of data which contains the names of people who can be expected to be found in incoming faxes and thus simplify the task of sorting through what may otherwise be a massive number of possibilities, and shortening the decision making process.

In contrast to software, claim 5, for example, requires the "communication mark" to be "on the hardcopy". Code cannot exist on the hardcopy in a manner which would rationally be considered to be a "mark" and then be able to decode itself.

Column 3, line 63 – column 4, line 3, is relied upon to disclose "decoding." However, this section of the Witek reference discloses:

Once the code 18 recognizes one or more destinations of the fax received via the modem 10, the fax is routed via an electronic mail program 20 to the proper destination. The proper destination may be identified by the E-mail program 20 via an address, a user name, a numerical value, a network identifier, or any like identification means which can be found or identified via one or more of code 18 and E-mail program 20. E-mail program 20 can communicate across either telecommunication lines, local area networks, token passing networks, serial computer interfaces, parallel computer interfaces, buses, or any like computer communication means to transmit the faxes received by modem 10 to the destinations identified by the customer pattern recognition code 18.
(Emphasis added)

This drives home the point that code 18 is the active entity and not the mark. Whether recognition is decoding per se is therefore moot.

It is again pointed out that the Witek reference discloses that the non-text/image data is typically ignored and data which can be read and converted into text using OCR, is examined – see column 3, lines 16-20:

Typically, these **drawings** within the pict fax file **are not converted to text** by the OCR software 16, but remain in a graphics format. The **OCR software 16 is typically looking for one or more pieces of information from this "cover sheet".** (Emphasis added)

Thus, in summary, the Witek arrangement disclosure would lead the hypothetical person of ordinary skill to the understanding that the disclosure of Witek suggests reading the text of the fax and determining from the text converted via OCR, what routing of the fax is necessary.

The arguments advanced in the response filed on August 13, 2003 are therefore deemed fully valid and are incorporated herein.

- 2) The rejection of claims 19 and 31-33 under 35 USC § 103(a) as being unpatentable over Witek in view of Li et al. and further in view of Cass is respectfully traversed.

This rejection is traversed in that the basic combination of Witek and Li et al. is untenable for the reasons advanced above in connection with the complete misinterpretation of the Witek disclosure.

Conclusion

It is respectfully submitted that all of the pending claims are allowable over the cited art for at least the reasons advanced above. Favorable reconsideration and allowance of this application is courteously solicited.

Respectfully submitted,

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